

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:)	In Proceedings
LESLIE T AUGUSTYN)	Under Chapter 13
MARCIA J AUGUSTYN)	
)	Bk. No.: 19-30899
Debtor./Debtors.)	
)	
RUSSELL C. SIMON,)	
CHAPTER 13 TRUSTEE)	
Objector.)	
)	
US BANK NA TRUSTEE)	
CLAIM NO. 10-2)	
Creditor/Respondent.)	

TRUSTEE'S OBJECTION TO CLAIM NO. 10-2 FILED BY US BANK NA TRUSTEE

COMES NOW, RUSSELL C. SIMON, Chapter 13 Trustee, and objects to the Proof of Claim of the above named creditor filed in this proceeding. The Trustee OBJECTS for the following reasons:

1. The instant case commenced on July 2, 2019.
2. Mortgage Research Center LLC DBA Veterans United Home Loans filed a Proof of Claim on September 10, 2019 for \$235,271.27, which includes an arrearage of \$5,132.77.
3. The Chapter 13 Plan, Section 3, provides “Where the Trustee is disbursing the ongoing payments, the first mortgage payment to be disbursed will be that which becomes due in the second month after the month in which the petition is filed. In this situation, a mortgage holder should file a “pre-petition” claim that includes both the pre-petition arrearage and all post-petition contractual payments not disbursed by the Trustee as set forth above.” Based upon the filing date, this would incorporate the August 2019 payment into the arrears.
4. As assignment was filed on June 3, 2021 showing the loan was assigned to US Bank Trust NA Trustee. This creditor then amended the Proof of Claim on February 23, 2022, setting forth an arrears amount of \$8,621.83.
5. The Proof of Claim attachment Form B410 states that the arrearage includes 3 prepetition payments and 2 post-petition payments. Specifically, the attached itemization provides the 2

post-petition mortgage payments (\$1,744.53) for the August 2019 and September 2019 payments.

6. The Trustee would note that the payment for September 2019 was contained in the proof of claim have also been disbursed as an ongoing payment pursuant to the terms of the plan.
7. Based on the foregoing, the Trustee objects because payment of the claim as filed would result in the duplicative payment of the September 2019 payment.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that arrearage portion of Proof of Claim No. 10-2 is reduced by the amount of the September 2019 payment (\$1,744.53) to \$6,877.30, and for such other and further relief, both in law and in equity, this Court deems just and equitable.

Respectfully Submitted,

/s/ Russell C. Simon
RUSSELL C. SIMON, TRUSTEE
Chapter 13 Trustee
24 Bronze Pointe
Swansea, Illinois 62226
(618) 277-0086

Dated: March 8, 2022

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was mailed to the following interested parties who have not been electronically notified by first class mail on this 8th day of March 2022:

/s/Rebecca

Leslie T Augustyn
Marcia J Augustyn
76 Annebriar Dr
Maryville, IL 62062

.J D GRAHAM
1 EAGLE CENTER STE 3A
OFALLON, IL 62269

US BANK TRUST NA TRUSTEE
C/O RUSHMORE LOAN MANAGEMENT SERVICES
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US BANK NA
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Certified Mail